

Attorney Docket No.: 021621-000120US

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.27) - SMALL BUSINESS CONCERN**

Applicant or Patentee: **KIRK PATRICK SEWARD**

Title: METHODS AND KITS FOR VOLUMETRIC DISTRIBUTION OF PHARMACEUTICAL
AGENTS VIA THE VASCULAR ADVENTITIA AND MICROCIRCULATION

- ☐ the specification filed herewith.
☒ Application No. 10/691,119, filed October 21, 2003.
☐ Patent No. _____, issued _____.

I hereby declare that I am:

- ☒ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the
concern identified below:

Name of Small Business Concern: EndoBionics, Inc.

Address of Small Business Concern: 3077 Teagarden Street
San Leandro, CA 94577

I hereby declare that the above-identified small business concern qualifies as a "small business concern" as defined in 13 CFR part 121, for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Kirk Patrick Seward

Title of Person if Other than Owner: Chief Technology Officer

Address of Person Signing: 3077 Teagarden Street
San Leandro, CA 94577

Signature

Date: 2/19/04



Attorney Docket No.: 021621-000120US

PTO/SB/01A (08-03)

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**Title of Invention****METHODS AND KITS FOR VOLUMETRIC DISTRIBUTION OF PHARMACEUTICAL AGENTS VIA THE VASCULAR ADVENTITIA AND MICROCIRCULATION**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/691,119, filed on October 21, 2003,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

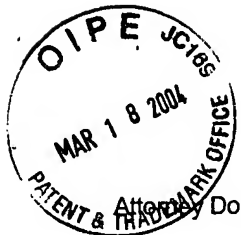
Inventor 1 KIRK PATRICK SEWARD Date: 2/19/04
Signature: [Signature] Citizen of: United States

Inventor 2 LYNN MATEEL BARR Date: _____
Signature: _____ Citizen of: United States

Inventor 3 JUDITH CAROL WILBER Date: _____
Signature: _____ Citizen of: United States

Inventor 4 ROBERT CAFFERATA Date: _____
Signature: _____ Citizen of: United States

☐ Additional inventors are being named on additional form(s) attached hereto.



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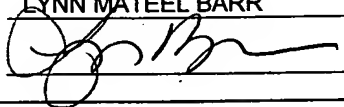
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FULL NAME OF INVENTOR(S)Inventor 1 KIRK PATRICK SEWARD Date: _____Signature: _____ Citizen of: United StatesInventor 2 LYNN MATEEL BARR Date: 2-27-04Signature:  Citizen of: United StatesInventor 3 JUDITH CAROL WILBER Date: _____Signature: _____ Citizen of: United StatesInventor 4 ROBERT CAFFERATA Date: _____Signature: _____ Citizen of: United States☐ Additional inventors are being named on additional form(s) attached hereto.



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FULL NAME OF INVENTOR(S)Inventor 1 KIRK PATRICK SEWARD Date: _____Signature: _____ Citizen of: United StatesInventor 2 LYNN MATEEL BARR Date: _____Signature: _____ Citizen of: United StatesInventor 3 JUDITH CAROL WILBER Date: 02/22/04Signature: *Judith C. Wilber* Citizen of: United StatesInventor 4 ROBERT CAFFERATA Date: _____Signature: _____ Citizen of: United States☐ Additional inventors are being named on additional form(s) attached hereto.



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FULL NAME OF INVENTOR(S)Inventor 1 KIRK PATRICK SEWARD Date: _____Signature: _____ Citizen of: United StatesInventor 2 LYNN MATEEL BARR Date: _____Signature: _____ Citizen of: United StatesInventor 3 JUDITH CAROL WILBER Date: _____Signature: _____ Citizen of: United StatesInventor 4 ROBERT CAFFERATA Date: 3-2-04Signature: *Robert Cafferata* Citizen of: United States☐ Additional inventors are being named on additional form(s) attached hereto.

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby appoint:

☒ Practitioners associated with the Customer Number**20350**

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).


Assignee Name and Address:

EndoBionics, Inc.
3077 Teagarden Street
San Leandro, CA 94577

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Kirk Patrick Seward		
Signature		Date	2/19/04
Title	Chief Technology Officer	Telephone	510.614.4555

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: SEWARD, Kirk Patrick et al.

Application No./Patent No.: 10/691,119

Filed/Issue Date: October 21, 2003

Entitled: METHODS AND KITS FOR VOLUMETRIC DISTRIBUTION OF PHARMACEUTICAL AGENTS VIA THE VASCULAR ADVENTITIA AND MICROCIRCULATION

ENDOIONICS, INC., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date

Kirk Patrick Seward

Typed or printed name



Signature

Chief Technology Officer

Title